

JENNIFER A. BECKER State Bar # 121319
JOHN B. SULLIVAN State Bar # 238306
LONG & LEVIT LLP
465 California Street, Suite 500
San Francisco, CA 94104
TEL: (415) 397-2222 FAX: (415) 397-6392

jabecker@longlevit.com / jsullivan@longlevit.com

Attorneys for Defendant
MBH ARCHITECTS, INC. aka McNULTY
BRISKMAN HEATH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BOVIS LEND LEASE, INC. as assignee
of LNR-LENNAR BRANNAN STREET,
LLC,

Plaintiff,

vs.

MBH ARCHITECTS, INC. aka
McNULTY BRISKMAN HEATH and
DOES 1 through 150, inclusive,

Defendant.

CASE No. C 07-05262 JSW

**AMENDED NOTICE OF MOTION FOR
LEAVE TO FILE A THIRD PARTY
COMPLAINT AGAINST LNR-LENNAR
BRANNAN STREET, LLC**

**(AMENDED AS TO HEARING DATE
ONLY)**

Date: April 18, 2008
Time: 9:00 a.m.
Courtroom: Hon. Jeffrey S. White

NOTICE OF MOTION


PLEASE TAKE NOTICE that on April 18, 2008 at 9:00 a.m., or as soon thereafter
as the matter may be heard in Courtroom 2 on the 17th Floor of the above-entitled Court, located
at 450 Golden Gate Avenue, San Francisco, California, Defendant MBH ARCHITECTS, INC.
("MBH") will, and hereby does, move the Court for an order granting it leave to file a third party
complaint against LNR-LENNAR BRANNAN STREET, LLC ("Lennar"). A true and correct
copy of the proposed third party amended complaint is attached as Exhibit A to this motion. This
motion will be based on this Amended Notice, the original Notice and Memorandum of Points

1 and Authorities, the Declaration of John B. Sullivan previously filed, the pleadings and papers on
2 file herein, and on any such other evidence as may be submitted at the hearing of this motion.

3
4
5 Dated: February 27, 2008

LONG & LEVIT LLP

6
7 By


JENNIFER A. BECKER
JOHN B. SULLIVAN
Attorneys for Defendant and Third Party
Plaintiff MBH ARCHITECTS, INC. aka
McNULTY BRISKMAN HEATH

8
9
10
11 DOCS\S7630-028\545149.V2
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am employed in the City and County of San Francisco, California. I am over the age of 18 years and not a party to the within action. My business address is Long & Levit LLP, 465 California Street, 5th Floor, San Francisco, CA 94104.

On February 27, 2008, I served the documents named below on the following attorney(s) of record and/or interested parties in the case of ***Bovis Lend Lease, Inc., etc. v. MBH Architects, Inc., et al.***, U.S.D.C., Northern District of California, San Francisco Division, Case No. C07-05262 JSW.

<p align="center">AMENDED NOTICE OF MOTION FOR LEAVE TO FILE A THIRD PART COMPLAINT AGAINST LNR-LENNAR BRANNAN STREET, LLC</p>

SERVED UPON:

S. Mitchell Kaplan, Esq. Bryce Carroll, Esq. Molly C. Machold, Esq. GORDON & REES LLP 275 Battery Street, Suite 2000 San Francisco, CA 94111	<i>Attorneys for Plaintiffs</i> Tel: 415.986.5900 Fax: 415.986.8054
Steven Ray, Esq. Lizabeth A. Muniz, Esq. Stein, Ray & Harris LLP 222 West Adams Street, Suite 1800 Chicago, IL 60606	<i>Attorneys Pro Hac Vice for Plaintiffs</i> Tel: 312.641.3700 Fax: 312.

☒ (BY MAIL) I am readily familiar with Long & Levit LLP's practice for collection and processing of documents for mailing with the United States Postal Service. I caused such document(s) to be placed in a sealed envelope, addressed to the person(s) on whom it is to be delivered pursuant to the attached service list, with postage thereon fully prepaid, to be deposited with the United States mail at San Francisco, California, that same day in the ordinary course of business.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 27, 2008, at San Francisco, California.


Letha Payne

DOCS\S7630-028\545814.V2